

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§5–903.1.

(a) In this section, “Fund” means the Program Open Space Contingency Fund.

(b) There is a Program Open Space Contingency Fund.

(c) The Fund is a continuing, nonlapsing, revolving fund not to exceed \$1,000,000 that consists of the amount of appropriations for a capital project:

(1) In excess of the amount needed for the capital project; and

(2) Allocated to the Fund by the Governor.

(d) The Fund may be used to:

(1) Supplement an existing appropriation for a capital project; and

(2) Undertake critical maintenance projects.

(e) (1) The Department shall evaluate each request for an expenditure from the Fund.

(2) The Department may request the Board of Public Works to authorize an expenditure from the Fund if:

(i) All reasonable attempts to reduce the cost of the capital project have been made;

(ii) No practical alternative exists for securing funding to complete the capital or critical maintenance project; and

(iii) The requested funding does not increase the scope of the capital project.

(3) Prior to seeking approval from the Board of Public Works, the Department of Natural Resources and the Department of Budget and Management shall:

(i) Provide written notice to the budget committees on the planned use of the funds; and

(ii) Allow 45 days for review and comment by the budget committees unless the additional funds necessary do not exceed 20% of the original appropriation for any project and in the judgment of the Department of Natural Resources and the Department of Budget and Management that the additional funds are necessary to prevent a work stoppage on the project.

(4) If the Board of Public Works authorizes an expenditure from the Fund, the amount specified by the Board of Public Works may be transferred from the Fund to the Program Open Space account to supplement the specified authorization.

(f) On or before January 1 of each year, the Secretary of Natural Resources shall report to the General Assembly, subject to § 2-1257 of the State Government Article, on the money:

(1) Deposited in the Fund;

(2) Authorized for expenditure from the Fund; and

(3) Expended from the Fund.

(g) Money in the Fund shall be deposited with the State Treasurer.

[\[Previous\]](#)[\[Next\]](#)